

Initial Edits to Language for CCR §3504.5: ~~Single-Underline/Single-Strikethrough~~  
Edits Following 45-day Comment Period: ~~Double-Underline/Double-Strikethrough~~  
Edits following 15-day Comment Period: ~~*Italicized Double-Underline/Italicized Double-Strikethrough*~~

**§ 3504.5. Conduct of Mine Inspections Per Calendar Year.** The purpose of this section is to clarify and make specific the scope, nature, and frequency of a surface mine inspection required under Public Resources Code Section 2774(b).

(a) The inspection form, as referenced in Public Resources Code Section 2774 (b)(1), is the Surface Mining Inspection Report, form MRRC-1 (9/18) (2019), which is hereby incorporated by reference. The Notice of Completion of Inspection, as referenced in Public Resources Code Section 2774 (b)(1), shall be submitted on form NOCI-1 (9/18) (2019), which is hereby incorporated by reference. Inspection of a surface mining operation shall be conducted not less than once each calendar year to determine if the operation is in compliance with the requirements of Public Resources Code Chapter 9, commencing with section 2710. The lead agency, or the board if the board is the lead agency, shall send written notice to the operator at least ten days prior to any inspection.

(b) Mine inspections shall be performed by a qualified lead agency employee. A person, who in the determination of the lead agency has demonstrated competence in performing inspections of surface mining operations, or a California state-licensed person as specified in Public Resources Code Section 2774 (b)(1) shall perform inspections. Evaluation of geological and engineering conditions, when required, shall be performed by or under the supervision of a Geologist Registered to practice in the state under the Geologists and Geophysicists Act or a Professional Engineer registered to practice in the state under the Professional Engineers Act. A qualified lead agency employee may include contractors and contract employees and those hired pursuant to third party contracts. The evaluation of any aspect or condition of the surface mining operation that constitutes the practice of geology, engineering, landscape architecture, forestry, or land surveying, under California law, shall be done by or under the supervision of California state-licensed persons or specialists. The mine inspector shall indicate on the Surface Mining Inspection Report, those aspects or conditions that may require evaluation by California state-licensed persons or specialists.

(c) A surface mine inspection Mine inspections shall not be performed by any person who holds a financial interest in or has been employed by the operator of the surface mining operation being inspected in any capacity, including as a consultant, contractor, or as a consultant or as a contractor contract employees and those hired pursuant to third party contracts, during the year 12 months preceding the mine inspection. A qualified lead agency employee may inspect surface mining operations owned and operated by the lead agency.

(d) Inspectors shall maintain a current certificate of completion of an inspection workshop pursuant to Public Resources Code Section 2774 (e)(3). California state-licensed persons or specialists who only provide an evaluation of a particular aspect or condition of a surface mining operation requiring licensure or expertise may, but are not required to, obtain a certificate of completion of an inspection workshop conducted by the Division of Mine Reclamation. Annual surface mine inspections may be conducted by a specialist or a team of specialists with expertise that includes but is not limited to, geology, engineering, surveying, ecology, water chemistry and quality, and permitting. Persons participating in the inspection shall follow such reasonable requirements of the operator so that there is minimal interference with the surface mining operation and the inspection is conducted in a safe manner in accordance with all state and federal safety requirements.

(e) The operator shall be responsible for the reasonable cost of the annual inspection conducted by the lead agency or by the board if the board is the lead agency.

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~~(f) Inspections may include, but shall not be limited to the following: the operation's horizontal and vertical dimensions; volumes of materials stored on the site; slope angles of stock piles, waster piles and quarry walls; potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with Public Resources Code Chapter 9.~~

~~(ge) The inspection report to the lead agency shall consist of the inspection form MRRC-1 (4/97), developed by the department and approved by the board, and~~ The Surface Mining Inspection Report may include any other reports or documents prepared by the person conducting inspector or the inspection team and when necessary any reports or documents prepared by California state-licensed persons or specialists. The lead agency shall provide a copy of the completed inspection report along with the lead agency's statement regarding the status of compliance of the operation to the director within 30 days of completion of the inspection. A copy of the completed inspection report and lead agency statement of compliance Surface Mining Inspection Report, any other reports or documents, and the Notice of Completion of Inspection shall also be provided forwarded to the Division of Mine Reclamation and the mine operator within 30 90 days of completion conduct the date of the inspection. If required, a copy of the Surface Mining Inspection Report and the Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity within 90-days of conduct of the inspection.

#### NOTE

*Authority cited: Sections 2755 and 2759, Public Resources Code. Reference: Section 2774, Public Resources Code.*